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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,075	09/15/2005	David Sanders	19016-002001 P10185US	1887
26161 7590 09/30/2008 FISH & RICHARDSON PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022				
EXAMINER CHAWAN, SHEELA C				
ART UNIT 2624		PAPER NUMBER		
NOTIFICATION DATE 09/30/2008		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

### Office Action Summary

**Application No.**

10/529,075

**Applicant(s)**

SANDERS ET AL.

**Examiner**

SHEELA C. CHAWAN

**Art Unit**

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 March 2005.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-28 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 24 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-85/86)  
Paper No(s)/Mail Date 2/19/08; 7/6/06; 9/15/05  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

***DETAILED ACTION***

***Preliminary Amendment***

1. Preliminary amendment filed on 3/24/05 has been entered.

***Priority***

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Information Disclosure Statement***

3. The information disclosure statement (IDS) submitted on 2/19/08, 7/6/06, 9/15/05, the information disclosure statement is being considered by the examiner.

***Drawings***

4. The Examiner has approved drawings filed on 10/9/03.

***Specification***

5. The abstract of the disclosure is objected to because line 13, delete "21.053315.doc". Correction is required. See MPEP § 608.01(b).

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 4 - 28, are rejected under 35 U.S.C. 102(e) as being anticipated by Silverbrook et al., (US.7,106,888 B1).

As to claim 1, Silverbrook discloses a method of reporting the writing motion of a hand, pen or stylus via a digital communications link( note, the writing motion of hand, pen or styles are explained in column 5, lines 63-67) , such reporting taking the form of packets of digital data, such packets containing position information( note, the data is encoded , column 6, lines 4-6, column 9, lines 61-63), such packets also containing real-time information, fig 33, item 876, 875, 874).

As to claim 4, Silverbrook discloses a method according to any preceding claim, wherein at least the position information is encrypted (note, location data is encoded and transmitted, column 6, lines 15- 20).

As to claim 5, Silverbrook discloses apparatus for recording the movement of a stylus during handwriting, for example in the execution of a handwritten signature, the apparatus comprising:

digitizer means, capable of sensing the position of a stylus, and defining an active signing area(note, column 6, lines 4-6, hand writing area on the form is defined and recognized at the touch of the pen(stylus) ); and

a control circuit capable of sampling at least orthogonal X and Y coordinates, in the plane of the active signing area, of a stylus in proximity to the said digitizer means, and of then transmitting information regarding said coordinates together with real-time information via a digital communications link, such real-time information being represented either as a sequential number or in absolute form as clock-time ( note, the

writing is recognition based on the location coordinates and digitized, column 6, lines 4-9).

As to claim 6, Silverbrook discloses apparatus according to Claim 5, wherein the digitizer means is adapted to sense the point of writing contact between the stylus and the active writing area, and wherein the control circuit is adapted to sample X and Y coordinates of the point of writing contact (note, column 6, lines 1-2, pen contact as the page is recognized and the information is encoded and transmitted to the computer).

As to claim 7, Silverbrook discloses apparatus according to Claim 5, wherein the digitizer means defines an active signing area, the location of which may be determined by touch (note, column 6, lines 1-2, pen contact as the page is recognized and the information is encoded and transmitted to the computer).

As to claim 8, Silverbrook discloses apparatus according to Claim 7, wherein the location of the active signing area is indicated by a variation in texture (note, the area is recognition by the stylus touch).

As to claim 9, Silverbrook discloses apparatus according to Claim 7, wherein the location of the active signing area is indicated by a raised border (column 41, lines 14-18, column 42, lines 3 - 6).

As to claim 10, Silverbrook discloses apparatus according to Claim 7, wherein the location of the active signing area is indicated by a variation in surface height (note, raised area is synomains with surface height).

As to claim 11, Silverbrook discloses apparatus for recording the movement of a stylus during handwriting, for example in the execution of a handwritten signature

(abstract), the apparatus comprising:

digitizer means (sensing device fig 1, element 4 and in summary , column 2, lines 1-5), capable of sensing the position of a stylus, the digitizer device defining a signing area, column 2, lines 1-5);

an LCD device having an LCD display substantially coextensive with the digitizer means and lying substantially in the same plane the LCD device having driver circuitry offset to the side of, and out of the plane of (preferably below), the signing area; and a control circuit capable of sampling at least orthogonal X and Y coordinates, in the plane of the active signing area, of a stylus in proximity to the said digitizer means (note, the LCD device is an integral part of any computer system, although this is not mention an indirect ref is made to this in the system used in the invention. This is implied in the configuration, . This is implied in the configuration the sensing device sends the encoded data to the CPU, the display shows the data entered through the sensing device to the CPU, the control circuitry is part of the display (LCD).

As to claim 12, Silverbrook discloses apparatus for recording the movement of a stylus during handwriting, for example in the execution of a handwritten signature, the apparatus comprising:

a stylus having a tip ( fig 8-9, column 38element 121);

digitizer means capable of sensing the position of the stylus, the digitizer means defining a signing area (column 17, lines 19-23, 39- 43);

an LCD device having an LCD display substantially coextensive with the digitizer means and lying substantially in the same plane (note, LCD device coextensive exit as

linked through the CPU, with the sensing device in the pen (stylus); and

a control circuit capable of sampling at least orthogonal X and Y coordinates, in the plane of the active signing area, of the tip of the stylus in proximity to the said digitizer means( note, the signature area (signing are) is as the device used to write on with the stylus);

the signing area being provided with a textured surface, the resistance of which to passage of the tip of the stylus there across is substantially the same as that of paper to passage of the tip of a pen or pencil there across (signing are) is as the device used to write on (note, the signature area (signing are) is as the device used to write on with the stylus).

As to claim 13, Silverbrook discloses apparatus according to Claim 11, wherein the LCD device is adapted to display the signature as written thereon in the form of electronic ink (note, LCD device coextensive exit as linked through the CPU, with the sensing device in the pen (stylus).

As to claim 14, Silverbrook discloses Apparatus according to Claim 11, wherein the control circuit is adapted to transmit information regarding said coordinates together with real-time information via a digital communications link, such real-time information being represented either as a sequential number or in absolute form as clock-time (note, the pen has the electronic transmission capability and sends the data through wireless communications, column 18, lines 9-13).

As to claim 15, Silverbrook discloses apparatus according to Claim 5, wherein the digitizer means is adapted to detect stylus movements in a Z direction out of the

plane of the active signing area in addition to the position of the stylus in the plane of the active signing area, and wherein the control circuit is adapted to sample X, Y and Z coordinates of the stylus and to transmit information regarding said coordinates via said communications link (column 17, lines 19-23, the pen up and pen down position in ( Z direction) is sensed through the wireless transmission to the computer system) .

As to claim 16, Silverbrook discloses apparatus according to Claim 5, wherein the said coordinate information is encrypted prior to transmission via said digital communications link (column 18, lines 9-12).

As to claim 17, Silverbrook discloses apparatus according to Claim 5, further comprising a control circuit adapted to verify correct operation of the digitizer means and to transmit such verification to a host system via a digital communications link ( note, the data link is a digital encrypted form , column 18, lines 9-12).

As to claim 18, discloses apparatus according to Claim 5, wherein a unique identifier is associated with said apparatus, said identifier being stored in a non-volatile memory device, the apparatus being adapted to transmit the said unique identifier to a host device via a serial interface (note, the identifier information is stored through a communication link as a non-volatile memory device (server memory) through a network (fig 16, connected to do 659 and 773 through a high speed or low speed serial bus, also see column 31,lines 61-64).

As to claim 19, Silverbrook discloses a system for recording handwritten signatures, comprising:

a host computer system (note, the system comprises of a computer system



converted through a server network, the method uses a computer system to use the net page etc., (column 5, line 34, 43 - 47); and

at least one peripheral devices, adapted to record signatures (note, the net page with stylus for signature, column 6, lines 10-12);

each of said at least one peripheral device comprising an apparatus for recording the movement of a stylus during execution of a handwritten signature, which apparatus comprises:

digitizer means, capable of sensing the position of a stylus and defining an active signing area (column 6, lines 5-6, digitizing (converting to computer text, also column 9, lines 61-63); and

a control circuit capable of sampling at least orthogonal X and Y coordinates, in the plane of the active signing area, of a stylus in proximity to the said digitizer means, and transmitting information regarding said coordinates together with real-time information via a digital communications link to said host computer, such real-time information being represented either as a sequential number or in absolute form as clock-time (column 31, lines 61-64);

the control circuits of individual said peripheral devices each containing a non-volatile memory means incorporating an identifier for that peripheral device (column 31, lines 61-64); and

each said control circuit being adapted to communicate its said identifier to said host computer together with said co-ordinates and said real-time information, whereby said host computer may identify both when and at which said peripheral device a

particular signature was written (column 32, lines 21-24, 26-28).

As to claim 20, Silverbrook discloses a system according to Claim 19, wherein at least said coordinate information is encrypted (column 18, lines 9-13).

As to claim 21, Silverbrook discloses a system according to Claim 20, wherein each said peripheral device includes a random number generator adapted on receipt of a pre-set signal to generate a random number encryption key for that peripheral device, the key so generated for the said peripheral device being required to be directly input into said host computer to allow the host computer to read coordinate information from said peripheral device ( note in encoding the data, the data packet is identified with a key usually a random number, this is a common process in any encoding system also the two way communication pen and printer through a computer, column 32, lines 1-5, 21-24, (secret key exchange key), column 32, lines 26-28, server generating a session key, random number key).

As to claim 22, Silverbrook discloses a system according to Claim 21, wherein said pre-set signal comprises the step of connecting operating power to said peripheral device (note, this steps is a common practice between computers and peripherals ( to supply operating power) .

As to claim 23, (note, it is interpreted and thus rejected for the same reasons see the rejection of claim 21.

As to claim 24, see the rejection of claim 22.

As to claim 25, Silverbrook discloses apparatus according to Claim 14, wherein the digitizer means is adapted to detect stylus movements in a Z direction out of the

plane of the active signing area in addition to the position of the stylus in the plane of the active signing area, and wherein the control circuit is adapted to sample X, Y and Z coordinates of the stylus and to transmit information regarding said coordinates via said communications link ( column 40, lines 63-65, column 17, lines 39- 42, pen up – pen – down Z side strokes x, y, communication link column 18, lines 9-10).

As to claim 26, Silverbrook discloses apparatus according to Claim 14, wherein the said coordinate information is encrypted prior to transmission via said digital communications link (column 18, lines 10- 11).

As to claim 27, Silverbrook discloses apparatus according to Claim 14, further comprising a control circuit adapted to verify correct operation of the digitizer means and to transmit such verification to a host system via a digital communications link (column 32, lines 1-5, 26-28).

As top claim 28, Silverbrook discloses apparatus according to Claim 14, wherein a unique identifier is associated with said apparatus, said identifier being stored in a non-volatile memory device, the apparatus being adapted to transmit the said unique identifier to a host device via a serial interface (column 32, lines 6-8).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

Claims 2 and 3, are rejected under 35 U.S.C. 103(a) as being unpatentable over Silverbrook et al., (US.7,106,888 B1), as applied to claims 1, 4 - 28 above and further in view of Gunaseelan et al., (US. 20020097750 A1, Listed in IDS).

Regarding claim 2, Silverbrook discloses signature capture VIA interface surface. Silverbrook is silent about wherein the real-time information takes the form of a digital encoding of the minute, second and fraction thereof, either separately or in combination.

Gunaseelan discloses system, server, and method for variable bit rate multimedia streaming. The system comprises of :

wherein the real-time information takes the form of a digital encoding of the minute, second and fraction thereof, either separately or in combination (note, paragraph 0023, " a property that is common to various techniques for streaming of variable bit rate multimedia data involves .... discrete points in time" the precise time

information is attached to each packet of information).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Silverbrook to include wherein the real-time information takes the form of a digital encoding of the minute, second and fraction thereof, either separately or in combination. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Silverbrook by the teaching of Gunaseelan in order to determine efficient techniques for variable bit multimedia streaming (as suggested by Gunaseelan at paragraph, 00005).

As to claim 3, Gunaseelan discloses a method according to Claim 1, wherein the real-time information takes the form of a sequential number (note, sequential order of information packets are part of these process, see paragraph 0032, time stamped queue is used).

#### ***Other prior art cited***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Perlin (US. 5,764,794) discloses method and apparatus for electronically storing alphanumeric characters.

Gelbman (US. 6,924,781 B1) discloses smart electronic label employing electronic ink.

***Contact Information***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheela C Chawan whose telephone number is. 571-272-7446. The examiner can normally be reached on Monday - Thursday 7.30 - 6.00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on 571-272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Sheela C Chawan/

9/12/08

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Primary Examiner, Art Unit 2624